

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 07-487**

v. : **DATE FILED: 8-16-07**

FRANCISCO ALBERTO ABREU-NUNEZ : **VIOLATIONS:**

: **18 U.S.C. § 1542 (false statement in a**

: **passport application – 1 count)**

: **18 U.S.C. § 1028(a)(4) (possession of**

: **identification document with intent to**

: **defraud the United States – 1 count)**

: **18 U.S.C. § 911 (false claim of United**

: **States citizenship – 1 count)**

: **18 U.S.C. § 924(a)(1)(A) (false**

: **statements in purchase of firearms – 3**

: **counts)**

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about August 21, 2006, in Reading, in the Eastern District of Pennsylvania,
defendant

FRANCISCO ALBERTO ABREU-NUNEZ,

an alien and a native and citizen of the Dominican Republic, knowingly and willfully made false statements in an application for a United States passport, with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, that is, defendant **FRANCISCO ALBERTO ABREU-NUNEZ** stated that his name was “A.T.,” that he was born in New Jersey, and was, therefore, a United States citizen, and that his Social Security Number ended with the last four digits -5340, which statements he knew to be false.

In violation of Title 18, United States Code, Section 1542.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 21, 2006, in Reading, in the Eastern District of Pennsylvania,
defendant

FRANCISCO ALBERTO ABREU-NUNEZ

knowingly possessed an identification document other than one issued lawfully for his use, with the intent that such document be used to defraud the United States, that is, that he knowingly possessed (i) a United States passport in the name of A.T., an identification document issued by the United States Department of State; (ii) a driver's license in the name A.T., an identification document issued by the State of Pennsylvania; and (iii) a birth certificate in the name A.T., an identification document issued by the State of New Jersey; and used those documents in connection with his application for a United States passport.

In violation of Title 18, United States Code, Section 1028(a)(4).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 21, 2006, in Reading, in the Eastern District of Pennsylvania,
defendant

FRANCISCO ALBERTO ABREU-NUNEZ,

an alien and a native and citizen of the Dominican Republic, falsely and willfully represented
himself to be a citizen of the United States.

In violation of Title 18, United States Code, Section 911.

COUNTS FOUR THROUGH SIX

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Gallery Distributors, Inc., d/b/a/ Gun Gallery, located at 2807 Perkiomen Avenue, in Reading, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.
2. Cabela’s Retail, Inc., located at 100 Cabela Drive, in Hamburg, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.
3. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
4. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct.
5. The Form 4473 dated March 9, 2005 contains language warning that “making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”
6. The Form 4473 dated March 17, 2005 also contains language warning that “making any false oral or written statement, or the exhibiting of any false or misrepresented

identification with respect to this transaction, is a crime punishable as a felony.”

7. The Form 4473 dated April 13, 2005 also contains language warning that “making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony.”

8. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

9. On or about the dates listed below, in Reading, in the Eastern District of Pennsylvania, defendant

FRANCISCO ALBERTO ABREU-NUNEZ,

in connection with the acquisition of each of the firearms listed below from the FFL holders listed below, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holders’ records, in that defendant **FRANCISCO ALBERTO ABREU-NUNEZ** certified on the Form 4473 that his name was A.T., his place of birth was New Jersey, and his Social Security Number ended with the last four digits -5340, when in fact, as defendant knew, these statements were false and fictitious.

Count	Date	FFL Location	Firearm	Serial Number
4	March 9, 2005	Gallery Distributors, Inc. 2807 Perkiomen Avenue Reading, PA 19606	Taurus 9mm Model PT92AF	TSD46453
5	March 17, 2005	Gallery Distributors, Inc. 2807 Perkiomen Avenue Reading, PA 19606	Smith & Wesson 9mm Model SW9F	PAF3193

Count	Date	FFL Location	Firearm	Serial Number
6	April 13, 2005	Cabela's Retail, Inc. 120 Cabela Drive Hamburg, PA 19526	Glock 9mm Model 19FS	GUB282

All in violation of Title 18, United States Code, Section 924(a)(1)(A).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 924(a)(1), as set forth in Counts Four through Six of this Indictment, defendant

FRANCISCO ALBERTO ABREU-NUNEZ

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

- a. 1 Taurus 9mm pistol, Model PT92AF, serial number TSD46453;
- b. 1 Smith & Wesson 9mm pistol, Model SW9F, serial number PAF3193; and
- c. 1 Glock 9mm pistol, Model 19FS, serial number GUB282.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney